Agenda Item Form

Districts Affected: 1 **Dept. Head/Contact Information:** Juan Contreras, Program Manager - 2000 QOL Bond Program Type of Agenda Item: ⊠Resolution ☐ Staffing Table Changes ☐ Board Appointments ☐Tax Installment Agreements ☐Tax Refunds □Donations RFP/ BID/ Best Value Procurement ☐Budget Transfer ☐ Item Placed by Citizen ☐Application for Facility Use ☐Bldg. Permits/Inspection ☐Introduction of Ordinance ☐Interlocal Agreements ☐ Contract/Lease Agreement Grant Application Other ___ Funding Source: General Fund ☐Grant (duration of funds: Months) ☑Other Source: 2000 Quality Of Life Bond Program Legal: X Legal Review Required Attorney Assigned (please scroll down): Terry Cullen-Garney Approved □ Denied Timeline Priority: □High ⊠Medium ПLоw # of days:____ Why is this item necessary: That the Mayor be authorized to sign an Agreement granting an Overhead Electrical Easement to the El Paso Electric Company in a portion of Tract 3, Nellie D. Mundy Survey #240, El Paso County, Texas. The overhead electrical easement along the southern and eastern property line of the Westside Sports Complex property will not have a negative impact to the design of the complex. Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings: None Statutory or Citizen Concerns: None **Departmental Concerns: None**

Agenda Date: 8/31/04

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PROJEC [*]	T: <u>N/A</u>		PROJECT NO:	N/A
TO:	City Clerk		DATE:	08/25/04
	2 Civic Center Plaza, 2	nd Floor		
	El Paso, Texas 79901	· · · · · · · · · · · · · · · · · · ·		
			TRANSMITTAL	
			NUMBER:	
ATTN:	Richarda D. Momsen		-	
RE:	Consent Agenda Item f Electrical Easement - V 2000 Quality Of Life Bo	Vestside Sports Complex	<u>-</u> -	
WE ARE	TRANSMITTING THE FOL	LOWING:		
X co	RRESPONDENCE .	FOR APPROVAL	APPROVED	
DR	AWINGS	FOR QUOTATION	APPROVED AS NO	OTED
SP	ECIFICATIONS		FOR RE-SUBMITTA	AL
QTY	DESCRIP	TION	REMARKS	
	enda Item Form Dated 8/3°	1/04		
	solution Dated 8/31/2004	solution Dated 8/31/2004		
1 Ov	Overhead Electrical Easement		Tract 3 , Nellie D. Mundy Survey #240	
				
REMARK Richarda;	S/COMMENTS:			
Please ret	urn two originals ASAP.			
·	······································			
COPY:				
	File	<u> </u>	Juan Contreras	
		_ _	Program Manag	er
RECEIVE	D:		DATE:	
COMPANY	/:			

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Overhead Electrical Easement to the El Paso Electric Company in a portion of Tract 3, Nellie D. Mundy Survey #240, El Paso County, Texas.

ADOPTED THIS 31ST DAY OF AUGUST, 2004.

	THE CITY OF EL PASO
	Joe Wardy Mayor
ATTEST:	
Richarda Duffy Momsen City Clerk	
APPROVED AS TO FORM:	APPROVED AS TO CONTENT:
Musoa Cullen - Garney Theresa Cullen-Garney	Felie Dray
Theresa Cullen-Garney	Irene D. Ramirez, P.E.
Deputy City Attorney	Interim City Engineer ()

THE STATE OF TEXAS)	
)	OVERHEAD ELECTRICAL EASEMENT
COUNTY OF EL PASO)	

For and in consideration of the sum of One Dollar and No/100 (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the City of El Paso grants unto El Paso Electric Company, its successors and assigns, the right, privilege and easement to enter upon and erect, construct, operate and maintain an overhead electric system with all necessary wires, poles and anchors pertaining thereto, with the right to ingress and egress thereto, for the installation, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, electric energy and power, for any and all purposes for which same is or may hereafter be used, over, upon and along the following described premises in El Paso County, Texas, to-wit:

A portion of Tract 3, Nellie D. Mundy Survey #240, El Paso County, Texas, which is more clearly defined in Attachment "A"; which is attached hereto and made a part hereof for all purposes,

with the right to trim any trees along said lines so as to keep the wires cleared at least thirty-six inches (36"), to erect any necessary anchors, and to do anything necessary and proper to operate and maintain same.

This easement shall be for the term of the El Paso Electric Company's franchise and any extension and renewal thereof by the City of El Paso. In accepting this easement, the Grantee agrees that upon written request it will promptly relocate any of its facilities located within the easement at no cost to the City of El Paso or its successors and assigns. In addition, Grantee agrees to install the overhead system to meet minimum clearance requirements.

In accepting this grant, Grantee agrees that it will replace or repair, as reasonable and to the Grantor's satisfaction, landscaping, structures, and/or paving as disturbed by the Grantee's construction, maintenance or repairs of or to its facilities in and upon such easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted. Grantee agrees not to interfere with any structure or property of Grantor within the easement.

Should Grantee abandon the facilities and right-of-way, the land hereinabove described shall revert to Grantor or its successors and assigns. Such abandonment shall be conclusively presumed following non-use by the Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

Grantee shall maintain the surface over the length and width of the Easement to the satisfaction, as reasonable, of the Deputy CAO for Municipal Services or his designee and in accordance with applicable City Code provisions.

WITNESS THE FOLLOWING SIGNAL DAY OF, 2004.	ATURES AND SEAL THIS
	THE CITY OF EL PASO
	Joe Wardy, Mayor
ATTEST:	
Richarda Duffy Momsen, City Clerk	
APPROVED AS TO FORM:	APPROVED AS TO CONTENT:
Theresa Cullen-Garney Deputy City Attorney	Irene D. Ramirez, P.E. Interim City Engineer
	EL PASO ELECTRIC COMPANY By: John a Whitam Printed Name: John A. Whitame Title: VP - T & D

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO))
	acknowledged before me on the day of August 2004, by as Mayor of the City of El Paso.
	Notary Public, State of Texas
	·
	<u>ACKNOWLEDGEMENT</u>
THE STATE OF TEXAS)
COUNTY OF EL PASO))
This instrument was	acknowledged before me on the 23 day of August, 2004, by
John a whitakke	, as wice president, of the El Paso Electric Company,
on behalf of the El Paso Electr	ric Company, a Texas corporation.
WILLIAM C. EG NOTARY P In and for the St My commissio December 22	GLESTON UBLIC Notary Public, State of Texas of Texas of Texas of Texas of Texas

